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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,034	12/30/2003	Thomas Gerard Shannon	19,315	6762
23556	7590	03/21/2006		
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956				
			EXAMINER WAGGONER, TIMOTHY R	
			ART UNIT 3651	PAPER NUMBER

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/748,034		SHANNON ET AL.	
	Examiner		Art Unit	
	Timothy R. Waggoner		3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 7-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,16 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 17-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/07/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 3 and 7-15 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 02/17/2006.

Claim Objections

Claims 4-6 are objected to because of the following informalities: Claims state dependence to a withdrawn claim. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 fails to positively identify the claimed element "a cup holder". It is not distinct whether "a cup holder" is actually part of the claimed combination. Positive identification of "a cup holder" is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-6,16, and 19-21 rejected under 35 U.S.C. 102(b) as being anticipated by Angermeir USPN D374,360.

(Re claim 1) "a package containing at least on disposable article" (title). "the package comprising a top, a bottom, and a non-circular sidewall" (figure 1). "Means for adapting the package to either fit into or be attached to a cup holder" (description of figure 6). Wherein the cupholder is a large flat surface.

(Re claim 2) "means for adapting comprises a fifth panel" (description of figure 6).

(Re claim 4) "package comprises a carton and the disposable article comprises tissues" (title).

(Re claim 5) "the disposable article comprises a plurality of wet wipes". Though Angermeir does not disclose dispensing wet wipes it structurally anticipates all claimed features and hence would be capable of dispensing wet wipes.

(Re claim 6) "sidewall comprises four generally rectangular panels that intersect at approximately 90 degree angles" (figure 6).

(Re claim 16) "fifth panel comprises an adaptor member" (description of figure 6).

(Re claim 19) "fifth panel is attached to the bottom" (figure 6)

(Re claim 20) "a package containing at least on disposable article" (title). "the package comprising a top, a bottom, and a non-circular sidewall" (figure 1). "an adaptor member either attached to the package or attachable to the package for adapting the package to be inserted into a cup holder" (figure 6). Wherein the cupholder is a large flat surface.

(Re claim 21) "the package comprises an upright facial tissue carton" (title, figure 7).

Claims 1, 20 and 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Bliss US Pub No. 2002/0000444 A1.

Bliss discloses a tissue receptacle comprising:

(Re claim 1) "a package containing at least on disposable article" (line 3 col 1).
"the package comprising a top, a bottom, and a non-circular sidewall" (line 3 col 1, "box"). "Means for adapting the package to either fit into or be attached to a cup holder" (figure 1).

(Re claim 20) "a package containing at least on disposable article" (line 3 col 1).
"the package comprising a top, a bottom, and a non-circular sidewall" (line 3 col 1, "box"). "an adaptor member either attached to the package or attachable to the package for adapting the package to be inserted into a cup holder" (figure 1).

(Re claim 21) "the package comprises an upright facial tissue carton" (line 3 col 1).

Allowable Subject Matter

Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

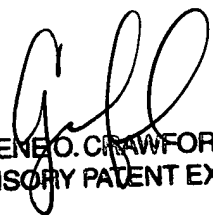
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pub. No. 2003/0178336 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Waggoner whose telephone number is (571) 272-8204. The examiner can normally be reached on Mon-Thu 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRW


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER